

**REMARKS**

Claims 1-3, 5 and 7 are all the claims presently pending in this application. Claim 1 has been amended to more particularly define the claimed invention. Claims 4 and 6 have been canceled.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1-3, 5 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka et al., U.S. Pat. No. 6,526,842, further in view of Mastrofrancesco et al., U.S. Pat. No. 4,914,970.

This rejection is respectfully traversed in view of the following discussion.

**I. APPLICANT'S CLAIMED INVENTION**

The claimed invention (as defined, for example, by independent claim 1) is directed to a structure for mounting a shift operation device on a vehicle body, including a support member having a first part comprising a notch including a pair of oppositely disposed projections, the projections disposed perpendicular to a longitudinal axis of the notch, the first part to be fixed on the vehicle body, and a second part having an opening aligned with the notch to support the shift operation device so as to be dropped downwardly with the shift operation device when a larger load than that of a predetermined value is applied to the first

part, wherein the first and second parts are integrally formed into a single component separate from the shift operation device, the shift operation device being mounted on the vehicle body via the support member so that the larger load than that of the predetermined value can break and drop the shift operation device.

A conventional structure for mounting a shift operation device on a vehicle body is configured such that a plastic pin does not break away unless a vehicle crash forces a passenger to be moved forwardly and hit against a selector lever of a shift operation device. Thus, there is a problem that an impact of a passenger on an instrument panel does not break the plastic pin to drop the shift operation device. Since the shift operation device cannot break away, a problem is that an impact load of a secondary crash to be applied to the passenger cannot be absorbed or reduced. (See Application at page 2, lines 8-17.)

The claimed invention (e.g., as recited in claim 1), on the other hand, includes *a support member having a first part comprising a notch including a pair of oppositely disposed projections, said projections disposed perpendicular to a longitudinal axis of said notch, said first part to be fixed on the vehicle body, and a second part having an opening aligned with said notch to support said shift operation device so as to be dropped downwardly with the shift operation device when a larger load than that of a predetermined value is applied to said first part.* The importance of these features is to prevent the molded plastic parts around the holes from breaking away even in the case where a resistant force of the molded plastic parts decreases due to repeated loads or deterioration with time if the impact load is within the predetermined value. Additionally, these characteristics prevent the shift operation device from breaking from the vehicle body in the normal condition of the vehicle, and improve the mounting accuracy. (Specification at page 14, lines 12-20.)

## II. THE ALLEGED PRIOR ART REJECTIONS

### **The 35 U.S.C. § 103(a) Rejection over Tanaka et al., U.S. Pat. No. 6,526,842 further in view of Mastrofrancesco et al., U.S. Pat. No. 4,914,970**

The Examiner alleges that Tanaka et al., U.S. Pat. No. 6,526,842, (Tanaka), further in view of Mastrofrancesco et al., U.S. Pat. No. 4,914,970, (Mastrofrancesco), makes obvious the invention of claims 1-7.

Applicant submits, however, that neither Tanaka, nor Mastrofrancesco, nor any alleged combination thereof, fails to teach or suggest, “*a support member having a first part comprising a notch including a pair of oppositely disposed projections, said projections disposed perpendicular to a longitudinal axis of said notch, said first part to be fixed on the vehicle body,*” as claimed in independent claim 1.

Although the Examiner interprets the member 12 of Tanaka as the second part of the present invention, it is the main body of shift operation device in Tanaka, not a part of the supporting member 5 that supports the shift operation device (see column 4, line 66 -- column 5, line 9). Thus, the member 12 of Tanaka does not correspond to the second part of the claimed invention. Assuming *arguendo* the Examiner's interpretation is correct on this matter, however, there is no opening for any shaft to support the shift operation device at the second member 12 which corresponds to the notch 7b of the first member 5. Therefore, Tanaka fails to teach or suggest the elements of Applicant's invention as alleged by the Examiner.

The Examiner states that Tanaka “does not teach a first part of the support member having a notch and the second part of the support member having an opening aligned with the notch.”

Tanaka fails to teach or suggest, *a support member having a first part comprising a*

notch including a pair of oppositely disposed projections, said projections disposed perpendicular to a longitudinal axis of said notch.

Mastrofrancesco discloses an aperture 14 having a slight V-shape (column 3, lines 37-39), and disengaging modules 16 are molded about annular groove 18 and engage either aperture 22 of Fig. 5 with a shear pin 24, or indentations 28 with sheer buttons 20 of Fig. 3.

Mastrofrancesco fails to teach or suggest aperture 14 including a pair of oppositely disposed projections, wherein the projections are disposed perpendicular to a longitudinal axis of aperture 14.

Therefore, Mastrofrancesco fails to overcome the deficiencies of Tanaka.

### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-3, 5 and 7, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

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Respectfully Submitted,



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